

SCOTT McDERMOTT
500 FAIRVIEW AVE.
764-0700

**PROCEDURE FOR
ABANDONMENT OF A PUBLIC
RIGHT-OF-WAY/EASEMENT**

- A. An application for the abandonment of a public right-of-way/easement by the City of College Station must be made pursuant to the procedure described below in order to get a request before the City Council. The application should insure that all stipulations and instructions outlined herein have been complied with prior to submission of the final application for action by the City Council of the City of College Station.

1. Application required

Attached to this information sheet' is an application form for the abandonment of a public right-of-way/easement.

2. Submission deadline

The application must be completed and returned to the Engineering Department. The Engineering Department will circulate the application among the various City departments for review and approval. After all City departments have executed the application, the Engineering Department will place the application on the next Council agenda. The City Council holds regular sessions on the second and fourth Thursdays of the month at 7:00 p.m. An applicant may attend the meeting, if desired. The item will be presented by the staff. After Council consideration of the request, the applicant will be notified of the action taken by the Council relative to the abandonment request.

3. First page of application

- a. On the first page of the application, the heading information to be filled in includes the name of the addition or subdivision in which the public right-of-way/easement is located. The exception to this case would be the abandonment of a street, in which case the street name would appear in the heading. The date the application is prepared should be entered in the appropriate space. Item No. 6 on the first page should set out the names and addresses of the abutting property owners who have not consented to the vacation and abandonment which you seek. Abutting property owners are (1) owners of land that abut any portion of the land immediately next to the public right-of-way/easement proposed to be abandoned, and (2) owners of land within 1,000 feet of either end of the proposed abandonment area. You should also state why their consent was not obtained; that is, if you were unable to locate the abutting property owners or if the abutting property owner refused to give his or her consent, you should so state briefly setting out the points of objection that such owner might have to this abandonment. Additional sheets may be used if necessary to fully explain.
- b. item No. 7 provides space for a brief statement of the reason such right-of-way/easement should be abandoned. Item No. 8 should relate briefly ~~the history~~ of the use of the right-of-way/easement sought to be abandoned. It is very important that the full name and

address of the applicant be shown in the space provided.. This will insure proper notification to the applicant following action by the Council. The applicant's signature must appear Immediately above the typed name and the notary certification must be completed.

4. Exhibit No. 1

Please note that the abandonment of right-of-way/easement may convey, by law, part of the property to the abutting property owner on the other side. You must provide, attached to the application, two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned. It is required that you have a licensed land surveyor provide this information for you. Please note, an employee of the Engineering Department, by law, cannot prepare legal descriptions for you.

5. Exhibit No. 2

You must provide, attached to the application, two copies of a plat or detailed sketch of the right-of-way/easement sought to be abandoned. Again, this item is most easily furnished by a licensed land surveyor. It must clearly show the surrounding areas to the nearest streets in all directions, abutting lots, and the block or blocks in which the area sought to be abandoned is located. It shall also show the names of the record owners of the lots abutting the area sought to be abandoned.

6. Exhibit No. 3

Exhibit No. 3 must be executed by the various utility companies shown. As applicant you are responsible for circulating the application and securing the signatures of the authorized representatives.

7. Exhibit No. 4

Exhibit No. 4 must be executed by the various City of College Station staff. The Engineering Department will be responsible for circulating the application amongst the City departments.

8. Exhibit No. 5

Exhibit No. 5 constitutes the consent of the abutting property owners (other than the applicant) to the vacation and abandonment. The full names, addresses and signatures are required for all who consent to the requested abandonment. The names and addresses of those who cannot be contacted should appear under Item No. 6 on with the appropriate explanation made on Page 1 of the application.

B. In the preparation of your application, should you encounter any problems or have questions, the answers to which you are unable to find in this information sheet, please do not hesitate to contact the Engineering Department for assistance.

C. By Council Resolution No. 8-25-88-I 1, the fee for an application has been set at \$250.00, which is non-refundable.

**APPLICATION FOR
THE ABANDONMENT OF A
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: OCTOBER 3, 2001

Location of Right-of-Way/Easement to be Abandoned: COLLEGE PARK
SUBDIVISION

Property Owner's Name & Address: SCOTT & KELLEY McDERMOTT
500 FAIRVIEW AVE, COLLEGE STATION, TX 77840

Property Owner's Phone Number: 979-764-0700

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

CONSENT ATTACHED

7. Such public right-of-way/easement should be abandoned because:

FOR OVER 50 YEARS THE FORMER PROPERTY OWNER
MAINTAINED THE EASEMENT AT 500 FAIRVIEW AS A DIRT DRIVEWAY.
IN ORDER TO ELIMINATE LARGE AREAS OF STANDING WATER & TO FURTHER
INCREASE OUR PROPERTY VALUE, WE HOPE TO PAVE & LANDSCAPE THIS AREA.

8. Such public right-of-way/easement has been and is being used as follows:

THE ALLEY HAS BEEN USED AS A DRIVEWAY FOR 500
FAIRVIEW SINCE THE HOUSE WAS PURCHASED FROM THE
UNIVERSITY BY TAMU PRESIDENT D.W. WILLIAMS AND
PLACED ON LOTS 7, 8 & 9 IN 1945.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature: _____

[Signature]

Applicant's Name: SCOTT McDERMOTT

Applicant's Address: 500 FAIRVIEW AVE.

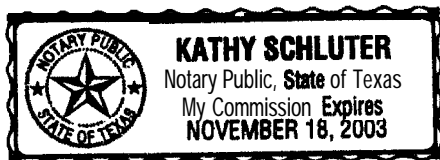
COLLEGE STATION, TX

Applicant's Phone Number: 979-764-0700

STATE OF TEXAS
COUNTY OF BRAZOS }

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this 4 day of October, 19 2002, by Scott McDermott



Kathy Schluter
Notary Public in and for
the State of Texas

Application for Abandonment of
a Public Right-of-Way/Easement

Located: COLLEGE PARK SUBDIVISION

EXHIBIT NO. 1

Attached are two sealed copies of the metes and bounds description (dividing the area in half) of the public right-of-way/easement situated in COLLEGE PARK Addition/Subdivision to the City of College Station, **Brazos County, Texas**, sought to be abandoned.

Application for Abandonment of
a Public Right-of-Way/Easement

Located: COLLEGE PARK SUBDIVISION

EXHIBIT NO. 2

Attached I are two copies of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated,, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

Application for Abandonment of
a Public Right-of-Way/Easement

Located: COLLEGE PARK SUBDIVISION COLLEGE STATION, TEXAS

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

LONE STAR GAS COMPANY

BY: [Signature]
Title Associate Engineer

VERIZON
GENERAL TELEPHONE COMPANY

BY: [Signature]
Title SUPERVISOR ACCESS DESIGN

Cox Communications
TCA CABLE COMPANY

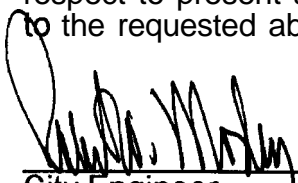
BY: [Signature]
Title Plant Manager

Application for Abandonment of
a Public Right-of-Way/Easement


Located: COLLEGE PARK SUBDIVISION

EXHIBIT NO. 4

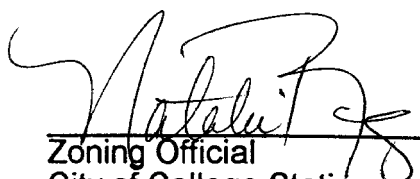
The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.



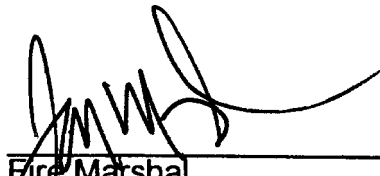
City Engineer
City of College Station




Building Official
City of College Station



Zoning Official
City of College Station



Fire Marshal
City of College Station



Director of Public Utilities
City of College Station

Elect
Supt.
1-30-02

Application for Abandonment of
a Public Right-of-Way/Easement

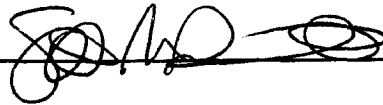
Located: College Park Subdivision, College Station, Tx.

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

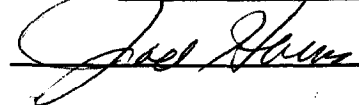
NAME: SCOTT McDERMOTT

ADDRESS: 500 FAIRVIEW AVE CS. TX 77840



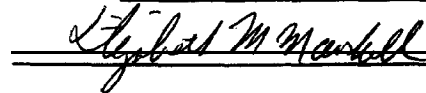
NAME: JOEL HARRIS

ADDRESS: 410 FAIRVIEW



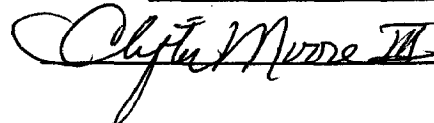
NAME: Elizabeth M. Marshall

ADDRESS: 411 Montclair



NAME: CLIFTON MOORE III

ADDRESS: 1824 W. Martin L. King Jr, Austin



FIELD NOTES

For a 0.086-acre tract of land lying in the College Park Subdivision, in **Brazos** County, Texas, as recorded in Vol. 38, Page 602 of the Brazos County Deed Records and the resubdivision recorded in Vol. 107, Page 151 of the **Brazos** County Deed Records, being the alley separating Lots 6 and 12 from Lots 7-11 of Block 9 of said subdivision, the tract being more particularly described by metes and bounds as follows:


BEGINNING at a point the southwest right of way line of **Fairview Avenue**, same point being the north corner of Lot 7, Block 9 of the College Park Subdivision;

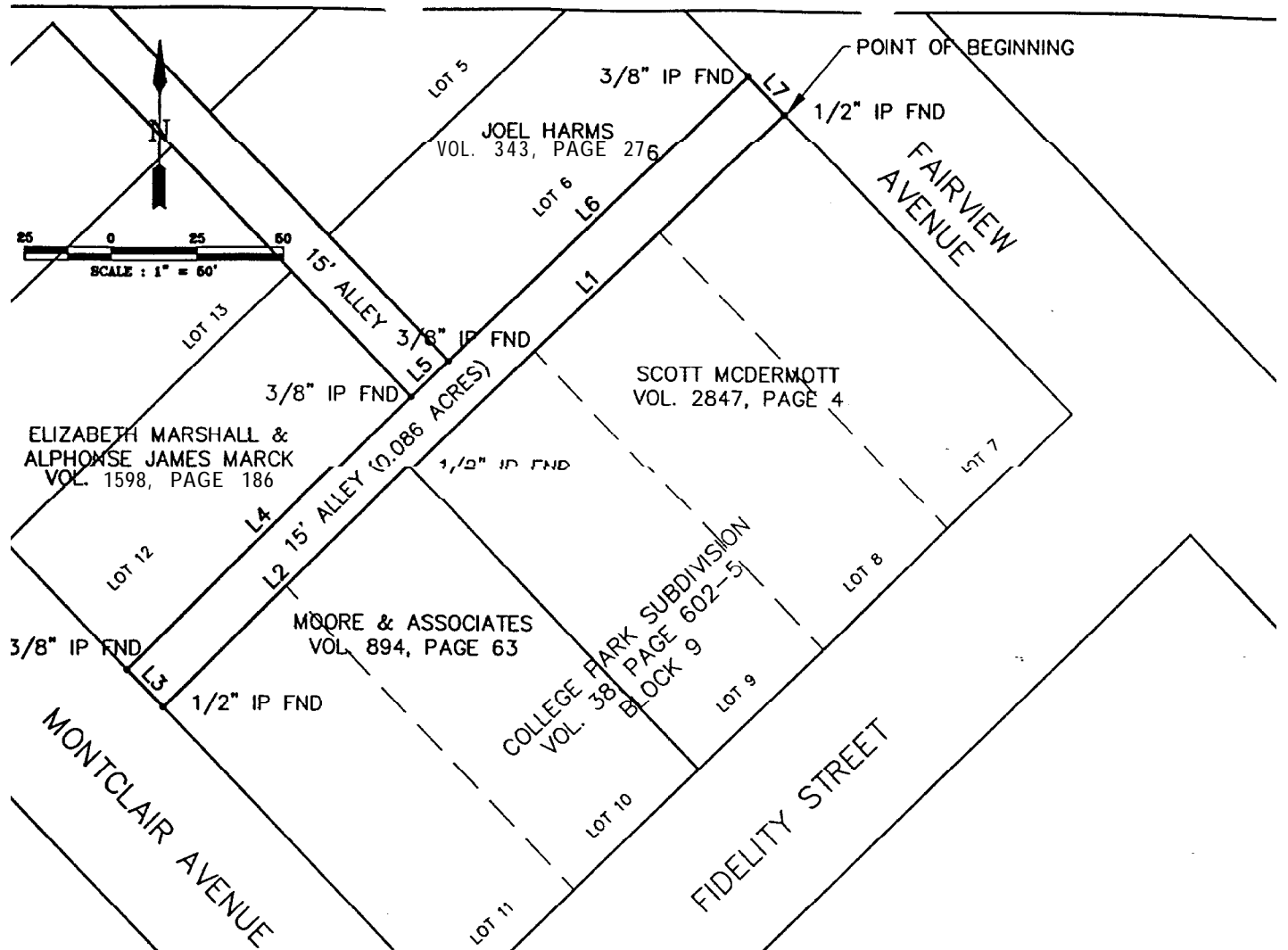
THENCE, S 46°00'00" W, along the southeast line of said alley, at 150.00 feet passing the west corner of Lot 9, **Block** 9 and the north corner of Lot 10, for a total distance of 250.00 feet to a point in the northeast right of way line of Montclair Avenue, same point being the west corner of Lot 11;

THENCE, N 44°00'00" W, along the northeast right of way line of Montclair Avenue, a distance of 15.00 feet, to the south corner of Lot 12;

THENCE, N 46°00'00" E, along the northwest line of said alley, at 115.00 feet passing the east corner of Lot 12 and at 130.00 feet passing the south corner of Lot 6, for a total distance of 250.00 feet, to a point in the southwest right of way line of **Fairview Avenue**;

THENCE, S 44°0'00" E, a distance of 15.00 feet, to the Point of Beginning and containing 0.086 acres of land.


David Lee McCannon *6-28-02*
R.P.L.S. #3400



LINE TABLE

LINE	LENGTH	BEARING
L1	150.00	S46°00'00"W
L2	100.00	S46°00'00"W
L3	15.00	N44°00'00"W
L4	115.00	N46°00'00"E
L5	15.00	N46°00'00"E
L6	120.00	N46°00'00"E
L7	15.00	S44°00'00"E

NOTE:
BEARING BASIS FROM GARRET
ENGINEERING TITLE SURVEY NORTH ARROW,
DATED JULY 1986 RECORDED IN VOL.
2847, PAGE 4, BRAZOS COUNTY DEED
RECORDS.

SURVEYOR'S CERTIFICATE:
I, DAVID LEE MCCANNON, R.P.L.S. NO. 3400, DO HEREBY
CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A
SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND
THAT THERE ARE NO ENCROACHMENTS ON THIS TRACT EXCEPT
AS SHOWN HEREON.

DAVID LEE MCCANNON
REGISTERED PROFESSIONAL
LAND SURVEYOR, NO. 3400

6-28-02

SURVEY PLAT
OF
15'x250' ALLEY
COLLEGE PARK (RESUBDIVISION)
VOL. 107, PAGE 151
COLLEGE STATION, BRAZOS COUNTY, TEXAS

EXHIBIT A, Page 2

FIELD NOTES

For a public utility easement containing **0.0052-acres** of land lying in the College Park Subdivision, in Brazos County, Texas, as recorded in Vol. 38, Page 602 of the **Brazos** County Deed Records and the resubdivision recorded in Vol. 107, Page 151 of the **Brazos** County Deed Records, being a portion of the alley between Lot 9 and Lots 6 & 12 of said subdivision, the easement being more particularly described by metes and bounds as follows:

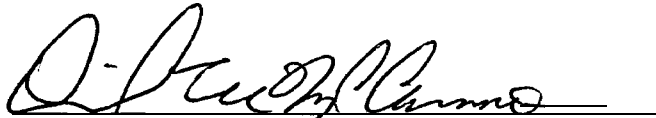
BEGINNING, for reference at the west corner of said Lot 9, same point being the north corner of Lot 10; THENCE, N **46°00'00"** E. a distance of 10.32 feet to the POINT OF BEGINNING;

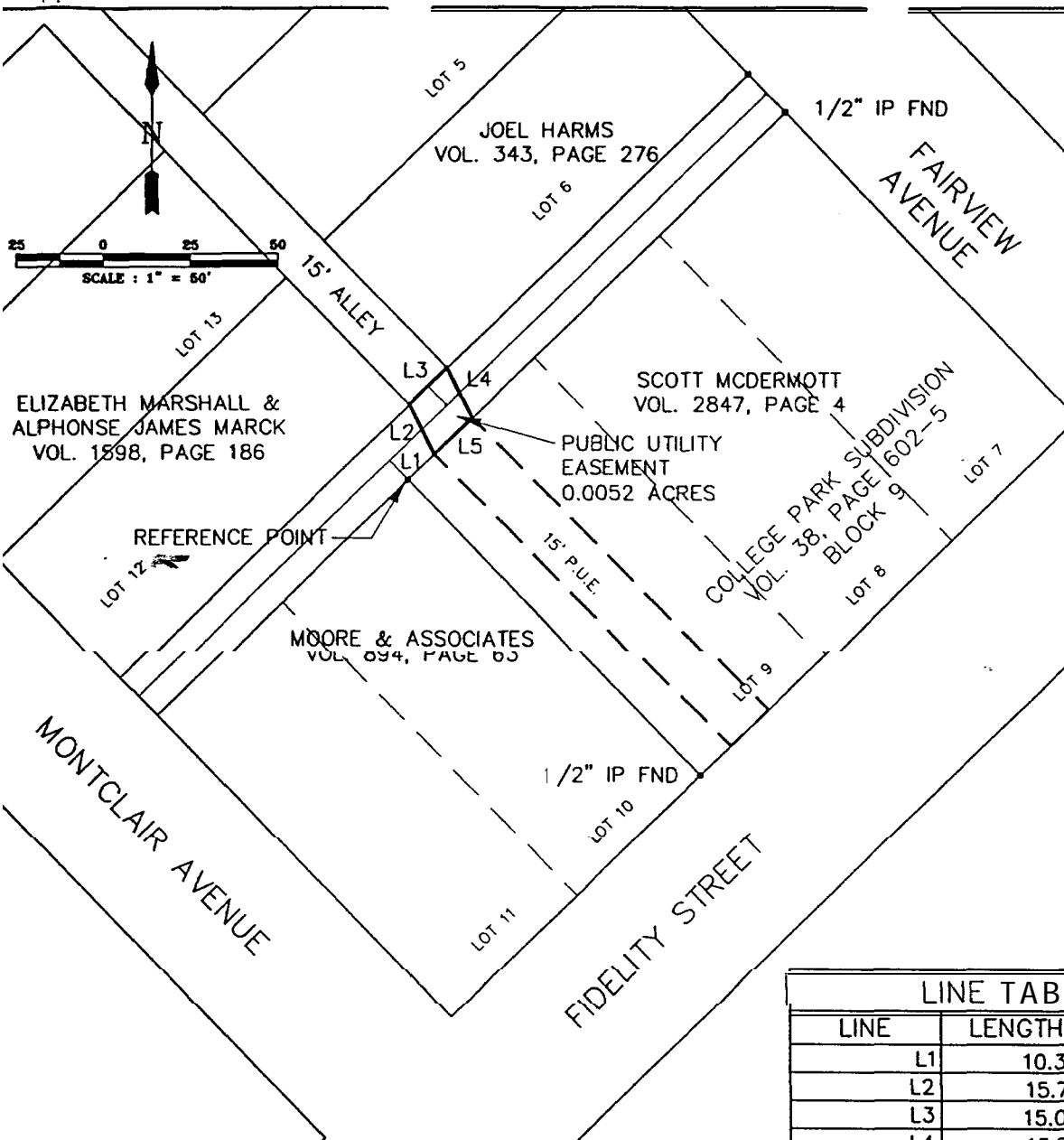
THENCE, N **26°40'59"** W, a distance of 15.71 feet to the east corner of Lot 12;

THENCE, N **46°00'00"** E, a distance of 15.00 feet to the south corner of Lot 6;

THENCE, S **26°41'51"** E, a distance of 15.71 feet to a point in the northwest line of Lot 9;

THENCE, S **46°00'00"** W, a distance of 15.00 feet to the POINT of BEGINNING and containing 0.0052 acres of land.


David/Lee McCannon
R.P.L.S. #3400 4-2-02



LINE TABLE		
LINE	LENGTH	BEARING
L1	10.32'	N46°00'00"E
L2	15.71'	N26°40'59"W
L3	15.00'	N46°00'00"E
L4	15.71'	S26°41'51"E
L5	15.00'	S46°00'00"W

SURVEYOR'S CERTIFICATE:
 I, DAVID LEE MCCANNON, R.P.L.S. NO. 3400, DO HEREBY
 CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A
 SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND
 THAT THERE ARE NO ENCROACHMENTS ON THIS TRACT EXCEP
 AS SHOWN HEREON.

David Lee McCannon

DAVID LEE- MCCANNON
 REGISTERED PROFESSIONAL
 LAND SURVEYOR, NO. 3400

4-2-02

PUBLIC UTILITY EASEMENT
 COLLEGE PARK (RESUBDIVISION)
 VOL. 107, PAGE 151
 COLLEGE STATION, BRAZOS COUNTY, TEXAS